

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALEXANDER INTERACTIVE, INC.,
ALEXANDER SCHMELKIN, and JOSH
LEVINE,

Plaintiffs,

- against -

ADORAMA, INC., ADORAMA ENTERPRISES
LLC, EUGENE MENDLOWITS, and MENDEL
MENDLOWITS,

Defendants.

MENDEL MENDLOWITS, ADORAMA
ENTERPRISES LLC, ADORAMA, INC., and
EUGENE MENDLOWITS,

Counter Claimants,

- against -

ALEXANDER INTERACTIVE, INC, JOSH
LEVINE, and ALEXANDER SCHMELKIN,

Counter Defendants.

JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

12 Civ. 6608 (PKC) (JCF)

O R D E R

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Plaintiffs having submitted letter motions to compel discovery responses and to extend the discovery deadline (Docket no. 183) and for an award of sanctions (Docket no. 187), it is hereby ORDERED as follows:

1. Plaintiffs' application for an order requiring Adorama to produce the source code for the Peripherals is denied; plaintiffs

have not established a basis for conducting a forensic review for which the source code would be relevant.

2. Plaintiffs' application for an order requiring defendants to return or destroy data produced during the forensic examination at Alexander Interactive's headquarters is denied. While the purpose for obtaining the data may have been mooted, some of it may be relevant to other issues in the litigation. Consistent with the confidentiality order, it may be retained until the case concludes. (Confidentiality Order and Stipulation and Addendum dated Dec. 5, 2012, ¶ 11).

3. Plaintiffs' application for an extension of the expert discovery schedule is granted as follows:

a. The parties shall exchange initial expert reports and related materials by August 29, 2014.

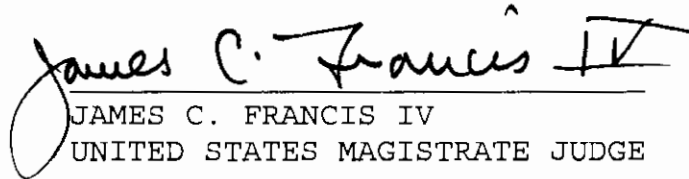
b. The parties shall exchange rebuttal expert reports by September 15, 2014.

c. All expert discovery shall be completed by September 30, 2014.

4. Plaintiffs' application for an award of sanctions is denied. While production in response to my June 17, 2014 Order has been delayed, this is attributable to (a) the failure of the parties to meaningfully meet and confer and (b) the volume of the documents at issue.

5. This Order resolves Docket nos. 183 and 187.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
July 31, 2014

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